

Filed

4-5-11

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

Clerk, U. S. District Court
Western District of Texas

By



Deputy

UNITED STATES OF AMERICA,
Plaintiff,

v.

CRIMINAL NO. A-11-CR-089 (LY)

SEAN GLEN McNIECE,
Defendant.

FACTUAL BASIS

1. Had this matter proceeded to trial, the United States Attorney for the Western District of Texas was prepared to prove the following facts beyond a reasonable doubt. These facts would have been proven by a combination of the testimony of law enforcement officers, the individual employees robbed by the Defendant at each of the retail establishments and financial institutions described below, the introduction of documents, photographs and videos and the facts described specifically below. These facts include but are not limited to the following:

2. The Defendant,

SEAN GLEN McNIECE,

robbed employees working at the following eight retail establishments on the noted dates. Each establishment was engaged in the business of selling merchandise in interstate and foreign commerce and in an industry which affects interstate and foreign commerce:

- (a) On or about October 20, 2010; Shell Shoppers Mart at 1901 East Martin Luther King Jr. Boulevard in Austin, Texas.
- (b) On or about November 9, 2010; Tetco at 3801 West Parmer Lane in Austin, Texas.
- (c) On or about November 11, 2010; U-Mart Shell at 1316 West Braker Lane in Austin, Texas.

- (d) On or about November 13, 2010; Tetco at 3801 West Parmer Lane in Austin, Texas.
- (e) On or about November 18, 2010; Chevron at 2433 South Pleasant Valley Road in Austin, Texas.
- (f) On or about November 21, 2010; Shell station at 2241 South Interstate 35 in Austin, Texas.
- (g) On or about November 24, 2010; 7-Eleven store at 5901 Burnet Road in Austin, Texas.
- (h) On or about November 25, 2010; Shell Shoppers Mart at 1901 East Martin Luther King Jr. in Austin, Texas.

3. The Defendant also robbed employees working at the following two branches of Wells Fargo Bank on or about the noted dates. The employees were robbed of money belonging to Wells Fargo Bank and money in the care, custody, control, management, and possession of Wells Fargo Bank.

- (a) On or about December 20, 2010; Wells Fargo Bank at 2326 South Congress Avenue in Austin, Texas; approximately \$2,243.
- (b) On or about December 24, 2010; Wells Fargo Bank at 1145 Airport Boulevard in Austin, Texas; approximately \$3,837.

Wells Fargo Bank is a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation.

4. During each robbery the Defendant demanded cash, and sometimes cigarettes. The Defendant obtained cash as the result of each robbery with the exception of the November 24, 2010 Shell robbery. The Defendant also brandished what appeared to be an operational black Uzi type semi-automatic firearm during each robbery. Each of the employees robbed by the Defendant were motivated to give the Defendant money against their will because of the Defendant's threatened use of force, violence and fear of injury.

5. The Defendant was arrested on the date of the last Wells Fargo robbery, December 24, 2010. He was arrested as a result of information developed during the investigation of the activities of the "Uzi Robber" and observations made by witnesses during the last robbery. A search warrant was later run on the room in which the Defendant resided at the Red Roof Inn in Austin, Texas. Officers located a black Uzi type firearm and extended ammunition clip. The Uzi was an "airsoft" type gun and not an actual firearm.

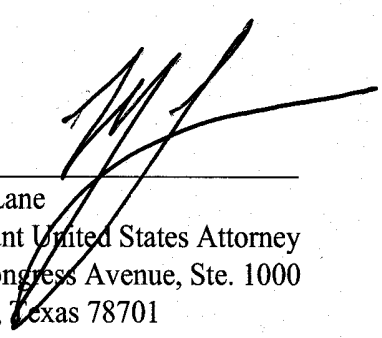
6. On December 24, 2010 and December 29, 2010, the Defendant was interviewed by law enforcement officers. Prior to the interview the Defendant was advised of his *Miranda* rights, indicated that he understood those rights but agreed to waive those rights and speak to law enforcement officers. In sum, the Defendant confessed to robbing employee(s) at each of the retail establishments and financial institutions described above.

7. Each of the above described robberies took place within the Western District of Texas.

That, in summary, would be the evidence presented by the United States.


JOHN E. MURPHY
UNITED STATES ATTORNEY

By:

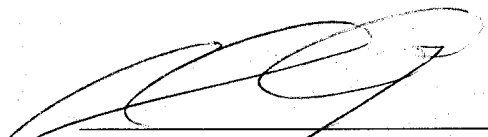


Mark Lane
Assistant United States Attorney
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I have read the United States Factual Basis and Indictment and reviewed both with my attorney. I hereby admit that all of the allegations contained in the Factual Basis are true and correct and that I am guilty of the offenses charged in Counts One through Ten of the Indictment.


Sean Glen McNiece
Defendant

4/5/11
Date


Horatio Aldredge
Attorney for the Defendant

4/5/11
Date